

MEMORIAL RESOLUTIONS

S.R. 150 - By Farabee: Memorial resolution for Tom McCarty.

S.R. 151 - By Farabee: Memorial resolution for Charles B. King.

S.R. 152 - By Farabee: Memorial resolution for Dr. A. W. Pierce.

S.R. 153 - By Farabee: Memorial resolution for W. Erle White.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 9 - (Kothmann): Commemorating the 100th Anniversary of the birth of General Douglas MacArthur.

S.R. 149 - By Doggett: Extending congratulations to Colonel John T. Ellis, Jr.

S.R. 156 - By Travis: Extending welcome to Scoutmaster Joe D. Denison and Boy Scout Troop 140.

ADJOURNMENT

On motion of Senator Snelson the Senate at 1:24 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(January 26, 1981)

S.C.R. 14

NINTH DAY

(Tuesday, January 27, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Andujar.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, remind these Senators that making laws is like a love affair—if it's easy it's sleazy. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Andujar was granted leave of absence for today on account of illness on motion of Senator Meier.

FLOOR PRIVILEGES GRANTED

On motion of Senator Caperton and by unanimous consent, floor privileges for today were granted to Mr. Harry Ahysen, State Artist for 1980-1981.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Doggett and by unanimous consent, Senator Glasgow will be shown as Co-author of S.B. 3.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 15
S.C.R. 17
S.C.R. 18

MESSAGE FROM THE HOUSE

House Chamber
January 27, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 15, Designating a Texas State Artist Committee.

H.C.R. 17, In memory of Frank C. Erwin.

H.C.R. 29, In memory of the Honorable Olin E. Teague.

S.C.R. 8, Honoring the Houston Astros.

S.C.R. 21, In memory of the Honorable Olin E. Teague.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Wilson, Vice-Chairman, submitted the following report for the Committee on Human Resources:

S.B. 154

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 193**S.B. 2** (Amended)**S.B. 184** (Amended)

(President Pro Tempore Traeger in Chair)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 264 by Mengden Economic Development
Relating to membership in, or payment of a thing of value to, a labor organization as a condition of employment.

S.B. 265 by Farabee Intergovernmental Relations
Relating to the supreme court, the court of criminal appeals, and the courts of appeals; the judges, clerks, jurisdiction, powers, duties, authority, procedures, fees, and election thereof; the duties of district and county attorneys; the creation of judicial offices for courts of appeals; and the jurisdiction of and procedure for the trial and appeal of criminal cases and cases of original jurisdiction.

S.B. 266 by Traeger, Uribe Intergovernmental Relations
Authorizing Brownsville Navigation District of Cameron County, Texas to acquire by purchase, lease or otherwise and sell by installment sale and otherwise, land and facilities; making the Act cumulative; providing for severability; and declaring an emergency.

S.B. 267 by Santiesteban Finance
Relating to tax credits for corporations engaged in the business of manufacturing, selling, or installing solar energy devices.

S.B. 268 by Santiesteban Jurisprudence
Relating to the disclosure of law enforcement files and records not opened to public inspection under Title 3, Family Code; amending Subsection (d) of Section 51.14; and declaring an emergency.

S.B. 269 by Santiesteban Jurisprudence
Relating to the authority of juvenile courts to order certain children found to have engaged in delinquent conduct arising from the commission of certain offenses to make full or partial restitution to the victim of the offense under Title 3, Family Code, amending Subsection (d), Section 54.04, Family Code, and declaring an emergency.

S.B. 270 by Santiesteban

Jurisprudence

Relating to the review of placement by courts of continuing jurisdiction of placement in which authorized agencies are named as managing conservators by the court or in affidavits of relinquishment under Title 2, Family Code; amending Section 18.01 by amending Subsection (a); amending Section 18.02 by amending Subsections (a), (b) and (d); amending Section 18.04 by amending Subsection (a), Subsection (b) and Subsection (c); amending Section 18.06 by amending Subsection (3), Subsection (4) and Subsection (5), Family Code, and declaring an emergency.

S.B. 271 by Caperton

State Affairs

Relating to a uniform system of accounting for, and quarterly reports from, counties, hospital districts, and certain cities participating in welfare assistance programs.

S.B. 272 by Caperton

State Affairs

Relating to the approval of bonds of county depositories.

S.B. 273 by Vale

Education

Relating to career education.

S.B. 274 by Wilson

Finance

Relating to permitting late applications for residence homestead exemptions and for appraisal as agricultural land or timberland.

S.B. 275 by Wilson

Finance

Relating to application for residence homestead exemptions and for appraisal as agricultural or timber land.

S.B. 276 by Wilson, Harris

Natural Resources

Relating to the taking, importation, and preparation of fish; providing penalties.

S.B. 277 by Truan

Human Resources

Relating to the diagnosis and care of persons having tuberculosis.

S.B. 278 by Snelson

Education

Relating to the establishment and organization and operation of schools at state facilities for the mentally retarded and mentally ill of the Texas Department of Mental Health and Mental Retardation; providing for the acceptance of donations and grants; providing for eligibility of students of such districts; providing for the operational costs of schools created pursuant to this Act through the Foundation School Program Fund and funds appropriated to the facilities; providing for allocation of professional units; providing for salaries for certain personnel employed by the districts; providing for severability; and declaring an emergency.

S.B. 279 by Snelson

Education

Relating to the application of the Texas Education Code to the facilities of the Texas Department of Mental Health and Mental Retardation.

S.B. 280 by Mengden

Natural Resources

Relating to implementation of energy conservation measures in state buildings in the capitol complex.

S.B. 281 by Mengden Natural Resources
Relating to establishing and implementing energy conservation standards for buildings.

S.B. 282 by Mengden State Affairs
Relating to the application of motor bus transportation regulations to ride-sharing arrangements.

S.B. 283 by Mengden Intergovernmental Relations
Relating to the frequency with which a city charter may be changed or repealed.

S.J.R. 11 by Mengden, Leedom Economic Development
Proposing a constitutional amendment guaranteeing the right of a person to work for an employer without regard to whether the person is a member of or makes a payment to a labor organization.

S.J.R. 12 by Mengden Intergovernmental Relations
Proposing a constitutional amendment relating to the frequency with which a city charter may be altered.

S.C.R. 22 by Mengden Economic Development
Memorializing Congress to propose a constitutional amendment extending the right to work to all citizens.

SENATE RESOLUTION 157

Senator Caperton offered the following resolution:

WHEREAS, The choice of Harry Ahysen as Texas State Artist for 1980-1981 was unusually worthy and appropriate, for Mr. Ahysen is known both nationally and internationally as an artist of rare distinction yet his art and his life are devoted to the people and things which make up Texas; and

WHEREAS, Born in Port Arthur in 1928, Mr. Ahysen received a Bachelor of Fine Arts degree from the University of Houston in 1955 and a Master of Fine Arts degree from The University of Texas at Austin in 1962, the year in which he has said he began painting seriously; and

WHEREAS, Honors have been heaped upon his work since then, including one-man invitational shows throughout the United States and Europe and the International Tommaso Campanella Silver Medal awarded at Rome in 1972; he is listed in Who's Who in American Art and the International Directory of the Arts; and

WHEREAS, Of this broad and constant reaffirmation of his position in the art world, Mr. Ahysen has said, "The painting is what is important; I paint because I love to paint"; and, "I have lost all but a couple of the ribbons I have won over the years; that is not the reason I paint"; and

WHEREAS, Harry Ahysen's commissions are as impressive and varied as "the ribbons," ranging from seven murals for the Flagship Hotel in Galveston, a large mural depicting the lifestyle and environment of East Texas in the downtown square of Huntsville, and a portrait of Jacques Cousteau's famous "Calypso" presented to the scientist by Texas A&M University to the cover for Southwestern Bell telephone's directories for 1977-1978, "Sunrise at High Island"; and

WHEREAS, Mr. Ahysen's subject is Texas, and more particularly coastal East Texas, its seascapes, its old buildings, "things people walk off and leave," bringing to the glass, steel, or aluminum walls of offices and condominiums a

reminder of something almost lost, the aura of old boards, old stones, old ships, of history's infrastructure; and

WHEREAS, An exhibit of selected works by Harry Ahysen will be mounted in the Capitol Rotunda January 26 to January 30; and

WHEREAS, The qualities of Harry Ahysen's art are happily represented in a print of the 1872 lighthouse at Bolivar Point near Galveston Island made and colored individually for the members of the Texas Senate as a memento of his tenure as Texas State Artist; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 67th Legislature, That Harry Ahysen, Texas State Artist, be congratulated on the fine career which brought him this and so many honors, and that a copy of this Resolution be prepared for Mr. Ahysen as a token of the esteem and gratitude of the Senate and the people of Texas.

The resolution was read.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted.

PRESENTATION OF GUESTS

Senator Caperton was recognized and presented to the Members Mr. and Mrs. Harry Ahysen. A delegation from the Fifth Senatorial District, seated in the gallery, was also welcomed to the Senate as guests for today.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
January 26, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE; REGULAR SESSION:

Pursuant to Article III, Section 5 of the Constitution of Texas, I hereby submit as an emergency matter the following:

- 1). An emergency appropriation to the Texas Board of Architectural Examiners of \$49,838 from Architects Registration Fund and \$22,292 from the Landscape Architects Fund as contained in Senate Bill 103 by Jones. This has been brought about because of a significant increase in the cost of purchasing, administering, and grading examinations. Without this funding they will not be able to give exams to all of their applicants.
- 2). An emergency appropriation to the Texas Real Estate Commission of \$58,000 from the Real Estate License Fund as contained in Senate Bill 51 by Harris. This is to fund the Residential Service Company Act which was passed in the last session of the Legislature, but for which no funds were appropriated for the administration of the program. This appropriation would allow the execution of its named duties.

- 3). A 1913 State Law allows a petition of only 500 qualified voters to force a yes-or-no referendum on a franchise awarded by a city. In today's complex society with complex issues such a signature requirement is too low and needs updating, and House Bill 310 by Lewis will do this. This issue is of immediate concern to the City of Fort Worth which is in the process of awarding a cable television franchise and wants the issue decided by the Legislature as soon as possible, and therefore I declare this as an emergency.
- 4). So the House of Representatives may begin hearings on the Appropriations Bill, I submit as an emergency matter an Act appropriating money for the general support of the judicial, executive, and legislative branches of state government for the fiscal biennium ending August 31, 1983.
- 5). The last session of the Legislature under the Sunset Act terminated the Board of County and District Road Indebtedness which distributed the Lateral Road Fund. However, no provision was made to distribute these funds, and they can no longer be distributed and Highway Fund No. 057 now has over \$7 million. Many counties have been severely hurt by this. Senate Bill 151 by Farabee and House Bill 483 by Heatly and others would designate the State Treasurer to distribute these dedicated funds and therefore I designate this as an emergency matter.
- 6). When Senate Bill 621 was passed last session the authors of the bill explained to me that there needed to be corrective action taken dealing with assessment ratios used for the collection of the franchise tax. House Bill 4 by Schlueter will make this correction, and I therefore declare it as an emergency.
- 7). So the House of Representatives may begin hearings on legislation to create a committee to study laws about the conduct of public servants I hereby designate House Bill 3 by Clayton as an emergency matter.
- 8). Last session when House Bill 867 was passed that created the Franklin Mountains State Park in El Paso it was discovered before I signed this bill that the metes and bounds of the park were faulty and much more land was included in the park, including some commercial television towers, than had been planned for since at least 1970. The authors of the legislation assured me that corrective legislation would be introduced to correct the boundaries to that of the 1970 plans. Without this correction the cost of acquisition of land for the park would be astronomical and other areas of the state would be denied needed park sites because of lack of funds. Therefore, I declare the subject of correction of the boundaries of the Franklin Mountains State Park as an emergency matter.
- 9). So the House of Representatives may begin consideration concerning a name change for the Special Events Center at the University of Texas at Austin I hereby declare House Bill 427 by Clayton as an emergency matter.

Respectfully submitted,

/s/W. P. Clements, Jr.
Governor

(President in Chair)

HOUSE CONCURRENT RESOLUTION 29

The President laid before the Senate the following resolution:

H.C.R. 29, In memory of The Honorable Olin E. Teague.

The resolution was read.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

HOUSE CONCURRENT RESOLUTION 17

The President laid before the Senate the following resolution:

H.C.R. 17, In memory of Frank C. Erwin.

The resolution was read.

On motion of Senator McKnight and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

SENATE BILL 101 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 101, Relating to an increase in benefits for certain annuitants of the Employees Retirement System of Texas.

The bill was read second time and was passed to engrossment.

SENATE BILL 101 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 101** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

MEMORIAL RESOLUTIONS

- S.R. 159** - By Farabee: Memorial resolution for John J. Moran.
- S.R. 160** - By Farabee: Memorial resolution for Kathleen Benson Howard.
- S.R. 161** - By Farabee: Memorial resolution for Charles Wilbur Cahoon.
- S.R. 162** - By Farabee: Memorial resolution for Walter Mason Priddy.
- S.R. 164** - By Snelson: Memorial resolution for John R. Culver.
- S.R. 165** - By Snelson: Memorial resolution for Lee O. White.
- S.R. 166** - By Snelson: Memorial resolution for Earl Olen Creager.

WELCOME AND CONGRATULATORY RESOLUTIONS

- S.R. 158** - By Vale: Extending congratulations to Ray Ellison, Sr.
- S.R. 163** - By Brown: Extending welcome to Steve Huffman.

ADJOURNMENT

On motion of Senator Brooks the Senate at 10:56 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(January 26, 1981)

S.C.R. 14